

AO 106 (Rev. 04/10) Application for a Search Warrant

**FILED**UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO

## UNITED STATES DISTRICT COURT

JUL 11 2024

for the  
District of New MexicoMITCHELL R. ELFERS  
CLERK OF COURT

In the Matter of the Search of

*(Briefly describe the property to be searched  
or identify the person by name and address)*A PAIR OF VANS SHOES BELONGING TO ALLISON  
COCHISE, THAT IS STORED AT PREMISES  
CONTROLLED BY THE FBI IN LAS CRUCES

Case No.

24MR1299

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, which attached and incorporated fully by reference herein

located in the \_\_\_\_\_ District of NEW MEXICO, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment A, which attached and incorporated fully by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section  
18 USC 1855

Timber Set Afire

Offense Description

The application is based on these facts:  
See Attachment

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Dal A Del

Applicant's signature

Special Agent David Gabriel

Printed name and title

Sworn to before me and signed in my presence.

Date:

7/11/2024

City and state: Las Cruces, NM

Gregory B. Wormuth

Judge's signature

The Honorable Gregory B. Wormuth, Chief U.S. Magistrate Judge  
Printed name and title

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF THE SEARCH OF A  
PAIR OF VANS SHOES BELONGING TO  
ALLISON COCHISE, THAT IS STORED AT  
PREMISES CONTROLLED BY THE FBI AT  
2509 N TELSHOR BOULEVARD, LAS  
CRUCES, NM 88011

Case No. 24MR1299

**AFFIDAVIT IN SUPPORT OF  
APPLICATIONS FOR SEARCH WARRANTS**

I, David S. Gabriel, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for a pair of *Vans* brand shoes belonging to Allison Cochise, further described in Attachment B. Although Cochise provided these shoes to me voluntarily, out of an abundance of caution I am seeking this warrant to authorize federal law enforcement to retain these shoes as evidence of the violation described below.

2. I have been employed as a Special Agent (SA) of the FBI since May of 2018. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned to the Albuquerque Field Office, Las Cruces Resident Agency, New Mexico. Prior to my current position, I was employed for six years as an analyst and briefer in a federal intelligence service. I am currently assigned to investigate violations of federal law, including Indian County Crimes, assaults on federal officers, and violent crimes against children.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement agents, and witnesses. This

affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Glynn Enjady and Allison Cochise violated 18 U.S.C. § 1855 (Timber Set Afire). There is also probable cause to seize the item described in Attachment B as evidence of this violation.

### **Federal Statute**

5. 18 U.S.C. § 1855 states “whoever, willfully and without authority, sets on fire any timber, underbrush, or grass or other inflammable material upon the public domain or upon any lands owned or leased by or under the partial, concurrent, or exclusive jurisdiction of the United States, or under contract for purchase or for the acquisition of which condemnation proceedings have been instituted, or upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined under this title or imprisoned not more than five years, or both.”

### **JURISDICTION**

6. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. Specifically, the Court is “a district court of the United States. . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). As discussed more fully below, acts or omissions in furtherance of the offenses under investigation occurred within New Mexico.

### **PROBABLE CAUSE**

7. From about May 3, 2024, to June 18, 2024, there have been 16 suspicious wildland fires started on the Mescalero Apache Indian Reservation (a federally recognized Indian Reservation) as set forth below:



<b>Fire</b>	<b>Date</b>	<b>Time</b>	<b>GPS Coordinates</b>
244 Penn Scott	06/18/24	0900-1100	33.267667, -105.736283
Salt	06/17/24	1300-1500	33.242950, -105.708330
Penn Scott	06/17/24	1100-1300	33.252417, -105.746633
Carrizo	06/17/24	0600-0800	33.271050, -105.723000
Trails	06/16/24	1730-1930	33.272689, -105.728011
Chico Canyon	06/14/24	1400-1600	33.217278, -105.730833
Botella Road	05/22/24	1400-1600	33.254700, -105.708217
Botella	05/21/24	2000-2200	33.254347, -105.708444
Salt Well	05/20/24	0830-1030	33.242000, -105.712250
Fence Canyon 2	05/15/24	1500-1700	33.274333, 105.6895005
Fence Canyon	05/13/24	1430-1630	33.275639, -105.680611
Palmer	05/09/24	0900-1100	33.276972, -105.716194
Cirhuelas	05/08/24	1330-1530	33.112736, -105.797872
Whitetail Summit	05/07/24	1000-1200	33.236081, 105.628181
Pena	05/03/24	0900-1100	33.255473, -105.740623



8. The ongoing investigation into a series of Mescalero Apache Reservation fires in Mescalero, New Mexico, began in approximately early May 2024. The investigation intensified with the investigative participation of Special Agents of the Federal Bureau of Investigations (FBI) including myself, Bureau of Land Management (BLM), and Bureau of Alcohol, Tobacco, and Firearms (ATF) on or about June 18, 2024, after more than 7,000 acres of forest on the Mescalero Apache Reservation was damaged or destroyed by a fire referred to as the Salt Fire. Federal investigators associated with the FBI, BLM, Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) and the United States Forest Service (USFS) identified at least 16 separate fires which occurred between May 3, 2024, and June 18, 2024, which occurred within a 25 square mile area. The Salt Fire was the most destructive of these human-caused fires. According to the team of wildland fire investigators assigned to conduct the Origin and Cause Determination on these fires, the Salt Fire has burned the most acreage and caused the most damage, also diverting resources from the on-going suppression efforts of the South Fork Fire.

9. Separately, wildland fire investigators have determined the South Fork Fire, which is the most destructive of all the fires between May 3, 2024, and June 18, 2024, to be naturally caused.

10. Of the remaining 16 suspicious fire starts, wildland fire investigators have determined all 16 fires to be human-caused. Special Agents have linked Enjady and Cochise to six of these fires through evidence gathering, witness interviews, and officer observations. Through investigative activity, including reviewing incident reports provided by BIA OJS and Mescalero Apache Conservation Office, the investigative team became aware of the following information:

11. On May 3, 2024, a fire (hereinafter the "May 3 Fire") was reported near the Pena housing area at approximately 10:56 a.m. based on review of the May 3, 2024, Mescalero Dispatch Radio Call Log.

12. According to an incident report, Mescalero Conservation Officer Christian Silva

responded to the May 3, 2024, dispatch call. Officer Silva responded to the scene of the fire and spoke with two juvenile witnesses (hereinafter WITNESS 1 and WITNESS 2), who stated that they saw a dark-colored Jeep vehicle driving fast and away from the area where the smoke was reported. According to WITNESS 1 and WITNESS 2, the driver was a female, and the passenger was a male with a beard.

13. Officer Silva then contacted dispatch and learned that Enjady was the person who made the initial report about the fire. Officer Silva made contact with Enjady and conducted an interview with him. During the interview, Enjady stated he was at 244 Penn Scott Drive, Mescalero, New Mexico, when he observed smoke coming from the area of the water tank on Pena. Enjady called to report the fire and went to the location of the fire to attempt to put it out. Enjady advised officers that he is a wildland firefighter, and while at the fire he attempted to tamp the fire with a branch and put on his fire boots while on scene. Prior to being asked, Enjady stated that he did not start the fire. Enjady responded to the location with Cochise—his girlfriend—in a dark-colored, newer-model Jeep. It should be noted that per New Mexico Motor Vehicle Department (MVD), a 2016 green Jeep Cherokee with New Mexico license plate number BTRA59 is registered to Cochise.

14. On May 7, 2024, at approximately 11:55 A.M, a fire (hereinafter the “May 7 Fire”) located at Whitetail Summit was reported to Mescalero Dispatch. Officer Silva was dispatched to the location, and while enroute he observed a dark-colored Jeep SUV, possibly a newer model Cherokee, driving at a high speed away from the direction of the fire. Upon arriving on scene, Officer Silva observed that approximately 1/10th of an acre fire was smoldering with no active flames just off the roadway. After leaving the scene of the fire, Officer Silva observed the same Jeep SUV heading back in the direction of the fire. Officer Silva turned around to attempt to stop the vehicle, but he was unable to locate it. A photograph taken at the scene, and attached to the incident report, depicts a footwear impression of what appears to be a Vans brand shoe in the dirt near the area of the fire. I believe this shoeprint to have been left by Cochise, for reasons described in further detail below.



15. On May 20, 2024, at approximately 10:08 A.M, a fire (hereinafter the “May 20 Fire”) near Salt Well was reported to Mescalero Dispatch. Officer Silva responded to the location of the fire, which was off Botella Road in Mescalero, New Mexico. Officer Silva interviewed the homeowners of 47 Botella Road, who stated that they observed a new model Jeep, possibly a Cherokee, leaving the area of the fire prior to any law enforcement arriving on scene. Furthermore, the homeowner observed a male wearing dark clothing get out of the vehicle to open the gate that leads to Botella Road.

16. On June 16, 2024, at approximately 7:44 P.M. a fire (hereinafter the “June 16 Fire”) located in the Carrizo Trails area. Fire units responded to the location and put out the fire. Units cleared the area at approximately 7:55 P.M.

17. On June 17 at approximately 8:08 A.M, a fire (hereinafter the “June 17 Carrizo Fire”) was reported to Mescalero dispatch. It should be noted that the June 17 Carrizo Fire was located approximately 0.3 miles from the location of the June 16 fire. Fire units responded and were able to put out the fire. Upon canvassing the area, what appears to be a Vans shoe impression was located in the dirt road on the scene, with what appears to be the same tread pattern as the shoe print observed at the May 7th fire. It should be noted that the shoe impressions were observed to be on top of the tire impressions that the fire department vehicles had made the night before, while responding and exiting the June 16 fire. This suggests the individual walked through the scene after the June 16 fire had been extinguished, sometime in the evening or early morning hours between June 16th and 17th. I believe this shoeprint to likely be from the same shoe mentioned above.

18. On June 17, 2024, at approximately 12:43 P.M. a fire (hereinafter the “June 17 Penn Scott Fire”) was reported to Mescalero Dispatch. Fire department units responded to the location and extinguished the fire. Officer Silva responded to the scene and upon canvassing the area, he observed tire tracks that are consistent with the tires that are on Cochise’s Jeep Cherokee, for reasons described in further detail below. It should be known that the vehicle has Firestone tires that are different than typical stock or street tires.



19. On June 17, 2024, at approximately 1:59 P.M. a fire (hereinafter the “June 17 Salt Fire”) was reported to Mescalero Dispatch. Although the fire is largely contained, it has caused approximately 7,000 acres of damage. Of note, this fire started approximately 2 hours after the South Fork Fire had already been reported. This resulted in suppression resources and assets, including aircraft, to be diverted from the South Fork Fire to assist in suppression efforts of the June 17 Salt Fire.

20. On or about June 17, 2024, at approximately 2:44 P.M., BIA OJS Mescalero Agency conducted a traffic stop of the dark green Jeep Grand Cherokee, New Mexico license plate BTRA59 registered to Cochise of Mescalero, NM. Enjady and Cochise were in the vehicle at the time of the traffic stop. The location of the traffic stop was on a road leading away from the location of the June 17 Salt Fire. The traffic stop occurred less than a mile away from the point of origin of the June 17 Salt Fire.

21. Enjady’s response to this fire differed from his response to the May 3 Fire, where he called first responders and attempted to personally fight the fire. At the time of the June 17 traffic stop, several 911 calls about this fire had already been received by Mescalero Law Enforcement Dispatch. Enjady never reported this fire or attempt to fight the fire even though he stated it was visible from his house during the June 25, 2024 interview.

22. During the traffic stop photographs were subsequently taken of the soles of Cochise’s shoes, and the tire tread of her Jeep. Officers took photograph the soles of her shoes and tire tread during this traffic stop. It should be noted that Cochise wears Vans, and the pattern of the shoes resembled the photographs of the print taken at the scene of the May 7 Fire and the June 17 Salt. Subsequently, I collected her shoe print utilizing a impression foam system, providing an even clearer match to the impression located at the two fires.

23. A photograph of tire impressions taken near the June 17 Fire location was compared to a photograph taken of the tire tread on Cochise’s Jeep. Similarities between the tread pattern were noted. In particular, a similar double dimple on the edge tread of the tires and the tire tracks was identified. Subsequent photographs take of the vehicle by FBI on Tuesday

June 25, 2024, showed a similar tire pattern.

24. It should be known that when speaking about the May 3 fire, Cochise stated that it was unusual for Enjady to keep his fire boots inside of the vehicle. During the June 25 interview of Enjady, when questioned about why he had his fire boots in the vehicle during the May 3 Fire incident he then responded that he keeps his boots in the vehicle this time of year in case he gets a call to respond to a fire. During the June 25 search of the vehicle, he did not have his fire boots or any wildland firefighting equipment in the vehicle.

25. Furthermore, on Tuesday June 25, 2024, Enjady and Cochise voluntarily came to BIA OJS Mescalero Agency to speak with Agents. Enjady and Cochise gave consent for law enforcement to search their phones. Cochise also provided me with verbal consent to collect her shoes. I saw her later that day to return her and Enjady's phone, and she again assented to me retaining the shoes.

26. Based on this information, I submit probable cause exists to believe that Enjady and Cochise were in the proximity of the aforementioned fires and that Cochise's shoes are evidence of this probable violation and should be seized as evidence.

### CONCLUSION

27. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.

This search warrant application has been reviewed and approved by Assistant United States Attorney Ryan Ellison.

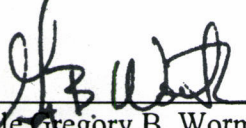
Respectfully submitted



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David Gabriel  
Special Agent  
FBI Las Cruces

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 11<sup>th</sup> day of July.

  
\_\_\_\_\_  
The Honorable Gregory B. Wormuth  
CHIEF UNITED STATES MAGISTRATE JUDGE



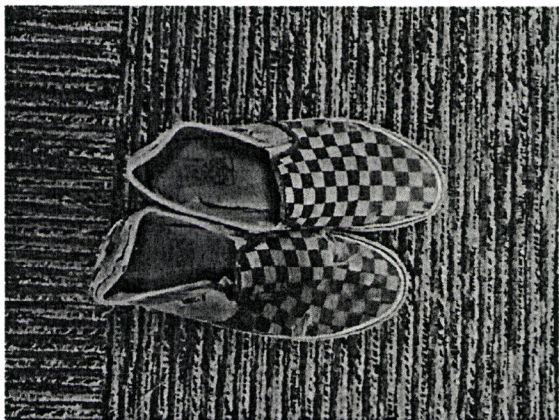
**ATTACHMENT A**  
**Property to Be Searched**

The item to be searched is located at the FBI Las Cruces Resident Agency,  
located at 2509 N Telshor Boulevard, Las Cruces NM 88011.

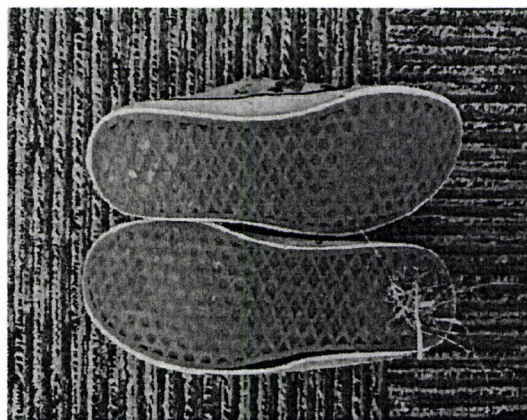
**ATTACHMENT B**

**Particular Things to be Seized**

1. One Pair *Vans* brand shoes, Women's size 8.5, belonging to Allison Cochise as pictured below:



Top View



Bottom View

View from foam shoeprint capture (R)



Pictures of the shoeprints referenced above:



May 7 Fire Shoeprint



June 17 Fire Shoeprint